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WILLIAM L. GAUSEWITZ
Director

October 25, 2005

ADDENDUM #2 TO RFP CCR 2005

**REQUEST FOR PROPOSALS FOR THE PUBLICATION OF THE OFFICIAL
CALIFORNIA CODE OF REGULATIONS AND RELATED DOCUMENTS**

To Whom It May Concern:

Attached to this addendum are revised pages for RFP CCR 2005. The change or changes are indicated by being encased in a shaded border. The date of addendum has been added to the footer at the bottom of each revised page.

The changes are:

- 1) Section 4.1 (page 18), Section 4.3.5 (page 21) and Section 4.3.7 (page 22): OAL has reassessed the requirements for updating the Master Database and online publications no later than 24 hours after various triggering events. In order to provide greater flexibility, OAL is revising the RFP to require updating no later than 5:00 p.m., Pacific time, on the next business day following the triggering event.
- 2) Section 4.3.9 (page 24): OAL inadvertently neglected to include a requirement in the RFP for access by OAL to the online legal research service maintained by the contractor. This revision adds that requirement to the RFP.

Please replace pages 18, 21, 22 and 24 with the pages provided. All other terms and conditions of this procurement remain the same.

Very truly yours,

A handwritten signature in cursive script that reads "Linda C. Brown".

Linda C. Brown
Deputy Director

Attachments

4. SCOPE OF WORK

4.1. OVERVIEW

The key services the contractor must perform are:

1. Publish the California Code of Regulations in a customary professional, 8½ x 11 inch, three-hole punched, hard copy form, as well as CD-ROM, and update the CCR by publishing the California Code of Regulations Supplement on a weekly basis, and
2. Publish the California Regulatory Notice Register on a weekly basis in a format that is of comparable appearance and quality to the existing version, and
3. Provide free online access to the California Code of Regulations and the California Regulatory Notice Register from a link on OAL's website.

The contractor shall update the Official CCR within 30 days after delivery of the final approved regulations and/or related material submitted by OAL for publication. The contractor shall update the online version of the CCR no later than 5:00 p.m., Pacific time, on the next business day following the shipment (issue date) of each CCR Supplement. The contractor shall publish the Notice Register each Friday with content provided the previous week by OAL.

4.2. INTELLECTUAL PROPERTY RIGHTS

The Official CCR, Notice Register and the Master Database, in all forms, are the sole and exclusive property of the State of California. OAL will retain ownership of all data, authority and reference citations, history notes and text of regulations that are originated, developed, prepared, used or obtained by state agencies. See Section 8, Exhibit D ("Special Terms and Conditions") for details.

4.3. REQUIRED PUBLICATION SERVICES

By submitting a proposal in response to this RFP, the contractor acknowledges the importance of, and commits to, performing each of the requirements identified in Section 4 of this RFP.

4.3.1. OFFICIAL CCR MASTER DATABASE

The contractor shall maintain the Official California Code of Regulations on an electronic database, which for purposes of this RFP shall be referred to as the "Master Database." The Master Database must be the source for all hard copy text and electronic products as well as the source for the contents of the online CCR.

Constant and accurate updating of the CCR Master Database is a key component of the CCR publication contract. The contractor must update the Master Database within 30 days of approved regulations being filed with the Secretary of State. The text of regulations and

behalf of the State of California. All expenses of obtaining such copyright, either on behalf of the contractor or OAL, shall be the responsibility of the contractor.

4.3.4. CD-ROM CCR

The contractor shall publish the CCR on CD-ROM monthly at a minimum. The CD-ROM CCR shall contain all elements of the Official CCR and shall accurately reflect the contents of the Official CCR.

4.3.5. ONLINE CCR

The contractor shall make available on the Internet and free to the public an electronic version of the California Code of Regulations which is capable of accommodating a large number of simultaneous users (see the Appendix, Tab 6, "Internet CCR Website Usage Analysis" for minimum requirements). The contractor shall ensure that the online CCR meets the following minimum requirements:

Content: The online CCR shall accurately reflect the most recent Official CCR and Master Table of Contents as published in hard copy.

Format: The online CCR shall include any necessary information, software, and technical support to make the complete CCR available, including graphics, tables, forms and any other material included in the Official CCR.

Timing: The contractor shall update the online CCR no later than 5:00 p.m., Pacific time, on the next business day following the date the weekly Regulatory Code Supplement has been issued. The Supplement is not required to be available separately online. The "home page" shall accurately reflect the date on which the online CCR was last updated.

Accuracy: The contractor shall ensure that the online CCR accurately reflects the most recent weekly updated version of the Official CCR; that it is complete and contains all the material defined as part of the Official CCR; and that it is fit for publication on the Internet.

User-Friendly: The contractor shall provide users with a universal search capability and shall ensure that users can search, view, and print with reasonable ease of use.

Accessible to Persons with Disabilities: The contractor shall ensure that the online CCR complies with applicable state and federal requirements for accessibility by persons with disabilities.

4.3.6. CALIFORNIA REGULATORY NOTICE REGISTER

The contractor shall publish the Notice Register each week on 8½ by 11 inch pages, three-hole punched, in a format of comparable quality to that currently in use. Text shall be printed in black; font size shall be no smaller than 10 point for text within paragraphs.

Once each year, as directed by OAL, the Notice Register shall include the Annual Rulemaking Calendar pursuant to Government Code section 11017.6. The contractor may provide print subscribers with the Annual Rulemaking Calendar on CD-ROM instead of paper, but shall provide a print version upon request by any subscriber.

4.3.7. ONLINE NOTICE REGISTER

Each issue of the Notice Register shall also be made available from a link on OAL's website and published online no later than 5:00 p.m., Pacific time, on the next business day following the day of publication of the print version of that issue of the Notice Register. Each online version of the Notice Register shall fully and accurately reflect the complete contents of the print version of that issue of the Notice Register.

Each item listed in the online Table of Contents shall include a link so that clicking on that item in the Table of Contents takes the user to that item in the text of the Notice Register.

Past versions of the Notice Register are currently posted by OAL on its website. The Notice Register link established by the publisher shall provide continued access to these past versions.

4.3.8. TRANSMISSION OF MATERIAL TO BE PUBLISHED

OAL will furnish to the contractor, at the contractor's expense, all regulations, Notices and any other material designated for publication under the CCR publication contract. OAL will provide the contractor with paper copies of approved regulations on a daily basis. The contractor's method for collection and delivery shall provide for routine delivery not more than 24 hours after OAL files approved regulations with the Secretary of State. OAL will provide the contractor with paper copies of approved Notices once each week.

PLEASE NOTE: State agencies are not currently required to submit proposed regulations or Notices in an electronic form. Transmission of regulation text to and from OAL is conducted almost totally by manual exchange of paper copies of documents. Notices for publication in the Notice Register are also currently submitted on paper. The contractor must translate hard copy regulations and Notices into an electronic database from which the Official CCR and Notice Register shall be published. OAL is open to a proposal which provides flexibility to accommodate future technological changes that may streamline the work to be performed by OAL and publishing staff, but OAL has no obligation to provide documents in an electronic form if such is not available from its own resources.

If desired, the contractor may receive an unofficial advance copy of proposed regulations prior to review and action by OAL, to be transmitted to the contractor at the contractor's expense. The contractor shall understand that these unofficial advance copies of regulations may be revised before filing or may never be filed with the Secretary of State, and may therefore not become part of the Official CCR. The contractor may also elect to receive an unofficial advance copy of Notices submitted for publication in the Notice Register.

electronic format) of the Notice Register to state depository libraries, pursuant to Government Code sections 14900-14912.

For the term of the CCR publication contract, the contractor shall provide each employee of OAL, at no cost to OAL and for the exclusive use of OAL, with unrestricted access to all online legal research database services provided by the contractor that are reasonably relevant to OAL's duties; and to new online products and services that are reasonably relevant to OAL's duties which are added during the term of the CCR publication contract.

4.3.10. ACCURACY

The contractor shall provide for thorough proofreading and correction of all text submitted by OAL for publication in the CCR or Notice Register. The contractor shall proofread regulation text to be published against the final regulation text as filed with the Secretary of State. The proofreading shall be done at a level of accuracy satisfactory to OAL. OAL defines "satisfactory" as zero percentage (0%) of error rate in the hard copy version of the Official CCR.

The contractor shall not make changes to the text of regulations, Notices or any other materials furnished by OAL, except as directed or authorized by OAL. The text of regulations and all other items in the Official CCR database, as well as editorial enhancements to regulations or Notices, shall be subject to inspection, revision, and correction by OAL. Questions regarding the text of regulations or Notices shall be promptly called to the attention of OAL's Director or designated representative.

Inferior, unprofessional, or unsatisfactory work shall be rejected and returned to the contractor for prompt correction at no additional cost to the State or CCR subscribers. OAL's inspection, revision, and acceptance of work shall not be considered a waiver of the contractor's duty to correct, at the contractor's own expense, errors or defects discovered later.

All editorial work shall be performed at the contractor's expense. Editorial duties include data preparation, formatting, and typographical composition work for both the print and electronic versions of the CCR and Notice Register. The contractor shall keep the Director of OAL advised in writing in advance of any proposed changes in the method and manner of performing editorial work covered by the CCR publication contract.

4.4. COMPENSATION

In exchange for being granted the exclusive rights to publish the Official California Code of Regulations and the California Regulatory Notice Register, the contractor shall compensate the State of California by paying an annual license fee or a royalty based on net revenues, or both. As used in this section, "net revenues" means all sales proceeds less returns, discounts refunded to the customer, and, if not charged separately but included in the sales price, sales taxes, transportation and handling, and, in addition, all revenues received from licenses to third parties (including affiliated companies) without any reduction.

If the compensation includes an annual license fee, the fee shall be paid in advance, at quarterly intervals, beginning with the commencement of the CCR publication contract. No portion of the annual license fee shall be refundable during a quarter notwithstanding early termination of the contract.